

**STATE BUILDING CODE TECHNICAL REVIEW BOARD  
MEETING MINUTES  
November 17, 2017  
Glen Allen, Virginia**

Members Present

Mr. J. Robert Allen, Chairman  
Mr. James R. Dawson, Vice Chairman  
Mr. W. Keith Brower  
Mr. Daniel Crigler  
Mr. Alan D. Givens  
Mr. Joseph Kessler  
Mr. Eric Mays, PE  
Ms. Joanne Monday  
Ms. Patricia S. O'Bannon  
Mr. W. Shaun Pharr, Esq.  
Mr. Aaron Zdinak, PE

Members Absent

Mr. Matthew Arnold  
Mr. Vince Butler  
Mr. E. G. Middleton, III

Call to Order                      The meeting of the State Building Code Technical Review Board ("Review Board") was called to order by the Chairman at approximately 10:00 a.m.

Roll Call                              The attendance was established by the Acting Secretary, Mr. Vernon W. Hodge, with a quorum being present. Mr. Justin I. Bell, the board's legal counsel from the Attorney General's Office, was also present.

Approval of Minutes              After consideration, Ms. O'Bannon moved to approve the September 15, 2017 draft minutes as presented in the Review Board members' agenda package with an editorial correction to replace the word "if" with the word "of" in the third line of the next to last paragraph on page two of the minutes. The motion was seconded by Mr. Crigler and passed unanimously with Messrs. Kessler and Pharr abstaining from the vote.

Final Order                          Appeal of John Kania Mitchell Vogel and Karen Anne Mitchell-Smith; Appeal No. 17-7:

Mr. Hodge pointed out two editorial errors in the draft final order missed by staff; a dash needed to be added to the Virginia Administrative Code section number in the first paragraph of the "Background" section of the order and a period needed to be added to the end of the second paragraph of the "Findings" section of the order.

After consideration, Ms. Monday moved to approve the final order as presented in the Review Board members' agenda package with

editorial corrections pointed out by staff and the replacement of the word “repelling” with the word “rappelling” in the fourth line of the second paragraph of the “Background” section of the order. The motion was seconded by Ms. O’Bannon and passed unanimously with Messrs. Kessler and Pharr abstaining from the vote.

**Old Business**

**Appeal of Fairfax County; Appeal No. 17-5:**

Mr. Hodge advised the Review Board members that the scheduled deliberation of the appeal was unnecessary since the appeal had been withdrawn by the County. Mr. Hodge read the relevant excerpt of the email from the County withdrawing the appeal and noted that while there was some confusion on the County’s part concerning the status of the appeal, the repairs had been approved by the County and due to the County’s withdrawal of the appeal, the matter would be placed among the ended causes of the Review Board.

**Public Comment**

The Chairman opened the meeting for public comment. Mr. Hodge advised that no one had signed up to speak. With no one coming forward, the Chairman closed the public comment period.

**New Business**

**Appeal of Deborah Caldwell-Bono and Benny Bono; Appeal No. 17-6:**

A hearing convened with the Chairman serving as the presiding officer. The appeal involved a determination by the building official of the County of Roanoke relative to the use of a building on Triple J Farm, located at 5198 Blacksburg Road. The Bonos own property on which they live adjacent to the farm, and own an equestrian center across the road from the farm.

The following persons were sworn in and given an opportunity to present testimony:

Deborah and Benny Bono  
Morgan Yates; Roanoke County building official  
Kimberly and Courtney Bolden and Rebecca James; Triple J Farm

Also present were:

Terry Grimes, Esq.; counsel for the Bonos  
Brittany Haddox, Esq.; co-counsel for the Bonos  
Peter Lubeck, Esq.; counsel for Roanoke County

There was consideration of a late submittal by the Bonos. After

discussion, Mr. Pharr moved to accept the submittal. The motion was seconded by Ms. Monday and passed unanimously.

Testimony was presented concerning whether the County was barred from raising issues of jurisdiction. After testimony concluded, Mr. Pharr moved to accept jurisdiction of the appeal. The motion was seconded by Mr. Brower. After further discussion, Mr. Crigler made a substitute motion that consideration of the timeliness of the appeal and whether the Bonos were an aggrieved party were issues properly before the board. The substitute motion was seconded by Mr. Mays and the motion passed with Mr. Dawson voting in opposition.

Testimony was then presented concerning whether the Bonos had standing to appeal due to being aggrieved by the decision of the building official that the building in question was a farm building and exempt from the Virginia Uniform Statewide Building Code.

After testimony concluded, the Chairman closed the hearing for consideration of the preliminary issue of the properness of the appeal based on whether the Bonos were aggrieved.

Decision: Appeal of Deborah Caldwell-Bono and Benny Bono; Appeal No. 17-6:

After deliberation of the issue of properness of the appeal, Mr. Mays moved that the Bonos were aggrieved by the decision of the building official and therefore had a right of appeal. The motion was seconded by Ms. Monday and a vote was taken. The motion failed with a vote of five yeas and six nays. Mr. Dawson then moved to overturn the decision of the County of Roanoke Building Code Board of Adjustments and Appeals and dismiss the Bono's appeal as improper due to the Bonos not being an aggrieved party. The motion was seconded by Mr. Crigler and a vote was taken. The motion passed with a vote of six yeas and five nays. Mr. Mays expressed his concerns with the decision, as did Mr. Pharr.

**Secretary's Report**

Mr. Bell gave the Review Board members an overview of the status of appeals which had been further appealed to court.

A plaque was presented to Chairman Allen by DHCD staff to commemorate his service as a Review Board member and as chairman of the board. Review Board members acknowledged his service and that he would be missed.

Mr. Hodge discussed several housekeeping issues and informed the

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Review Board members of the resignation of Review Board member Matt Arnold for health reasons. Staff will send a certificate of recognition to Mr. Arnold.

**Adjournment**

There being no further business, Mr. Dawson moved to adjourn the meeting at approximately 12:30 p.m.

Approved: January 19, 2018

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Chairman pro tem, State Building Code Technical Review Board

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Acting Secretary, State Building Code Technical Review Board